

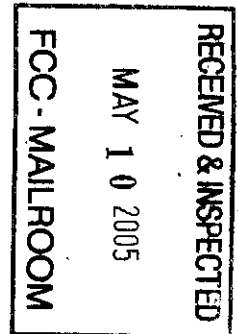


Federal Communications Commission  
Washington, D.C. 20554

Imaging Center  
C4C203

May 2, 2005

Mr. Kevin M. Fitzgerald, General Partner  
Geos Communications  
P.O. Box 20155  
Scranton, Pennsylvania 18502



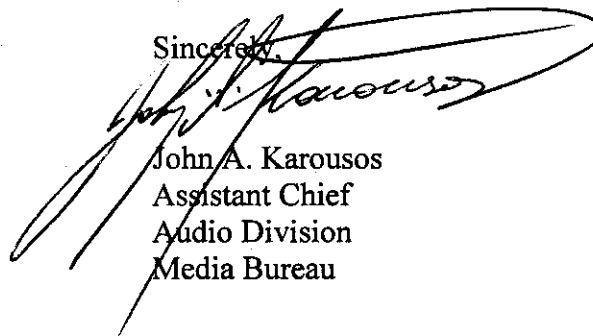
Dear Mr. Fitzgerald:

This is in response to the petition for rule making and amendment you filed proposing the reallocation of Channel 299A from Tunkhannock, to Lake Winola, Pennsylvania.

Your request is unacceptable for consideration. Our engineering analysis indicates that the proposed site for Channel 299A at Lake Winola (41-29-23 NL and 76-00-03 WL) will fail to provide city-grade signal coverage to the entire community of license due to the presence of a major obstruction in the line of sight of over 100 meters between the reference coordinates and Lake Winola. Such an obstruction would be nearly impossible to overcome because the radiation center above average terrain (RCAMSL) would have to be a minimum of 1400 meters which is 962 meters above ground. Further analysis shows that no site can be located that will clear the other aspects of your proposal and also avoid such severe terrain obstructions. Although the allotment of Channel 299A at Lake Winola complies with Section 73.207(b) of the Commission's Rules, it does not comply with Section 73.315 to provide a 70 dBu contour over the entire community.

Based on the above discussion, we are returning your petition.

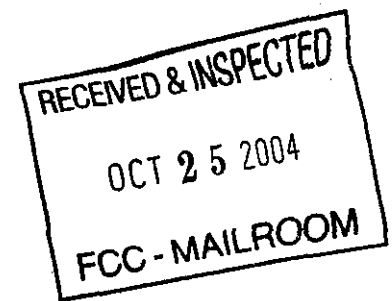
Sincerely,



John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau

Enclosure

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20024

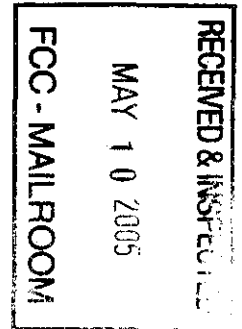


In the Matter of: )

Amendment of Section 73.202(b) )  
Table of Assignments for )  
FM Broadcast Stations )  
Tunkhannock, Pennsylvania and )  
Lake Winola, Pennsylvania )

To: The Commission

PETITION FOR RULEMAKING



Geos Communications, (hereinafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, respectfully requests that the Commission institute a rulemaking proceeding to reallocate Channel 299A from Tunkhannock, Pennsylvania, to Lake Winola, Pennsylvania, and to modify the license of Station WBZR, Tunkhannock, Pennsylvania, to specify Lake Winola, Pennsylvania, as its community of license. This would provide Lake Winola, Pennsylvania with its first local broadcast service, but will not result in the removal of the only local broadcast service from Tunkhannock.

---

<u>Community</u>	<u>Channel #'s</u>	
	<u>Present</u>	<u>Proposed</u>
Tunkhannock, Pennsylvania	299A	---
Lake Winola, Pennsylvania	---	299A

---

**CHANNEL 299A REALLOTMENT FROM TUNKHANNOCK TO  
LAKE WINOLA, PENNSYLVANIA**

1. WBZR, Tunkhannock, Pennsylvania, currently operates as one of two commercial broadcast stations in Tunkhannock, Pennsylvania. Tunkhannock is also served by AM station WEMR, 1460 kHz, Tunkhannock, Pennsylvania. WEMR operates with 5000 watts day and 1000 watts night (unlimited 24 hour operation, both day and night directional). As such, a change of community of license for WBZR will not result in Tunkhannock being unserved by a local 24-hour broadcast service. Tunkhannock is also served (with at least 60 dBu service) by at least five other commercial FM broadcast services. These services are WGGY, Scranton, Pennsylvania; WKRZ, Freeland, Pennsylvania; WMGS, Wilkes-Barre, Pennsylvania; WBHD, Olyphant, Pennsylvania; and WWDL-FM, Scranton, Pennsylvania. Station WBZR proposes using a new transmitter site (N. Lat. 41-29-42, W. Long, 75-51-44 is one potential site) as part of this proposal. WBZR will continue to provide coverage to Tunkhannock from all new transmitter sites that have been investigated. As such, Tunkhannock will continue to be served by at least seven aural services.

2. The new community of license proposed for WBZR Tunkhannock, Pennsylvania does not have a local broadcast facility licensed to it. The Village of Lake Winola has a population of 350 persons based on the listing in the 2004 Rand McNally Commercial Atlas. This population swells to 2500 persons between May and September making it one of the largest communities in Wyoming County, Pennsylvania during these months. Lake Winola is located within Overfield Township, Wyoming County, Pennsylvania. Lake Winola conforms to the Commission's policies with regard to it being a community for allotment purposes. In addition, Lake Winola,

Pennsylvania is a substantial and sufficiently independent community, separate from the Scranton, Pennsylvania, metro area. Lake Winola is located in Wyoming County, Pennsylvania, a different county than Scranton, Pennsylvania (Scranton is located in Lackawanna County, Pennsylvania). Lake Winola is not located within the Scranton Urbanized Area. Lake Winola has its own U.S. Post Office, "The Lake Winola Post Office" and its own U.S. Postal Service zip code (18625). Commonwealth Telephone Company has a switching station located in Lake Winola and has designated the "378" exchange within the "570" area code as the "Lake Winola Exchange." Although Lake Winola depends on government and police services from Overfield Township, which it is located within, Lake Winola does have its own fire and emergency services organization, the "Lake Winola Fire Company No. 1," a volunteer fire and EMS company that services Lake Winola along with Overfield, Falls, and Exeter Townships.

3. Lake Winola contains many businesses that identify themselves as being part of the community of Lake Winola including "Lake Winola Beverage" (beer distributor), "Winola Pharmacy," and "Winola Market." Lake Winola also contains two churches, one of which identifies itself as being part of the community of Lake Winola, "The Lake Winola United Methodist Church" and "St. Mary of the Lake Roman Catholic Church." Lake Winola contains many other businesses including "The Ronco Group" (a large industrial contracting group), "Pump and Pantry-Texaco" (mini-mart and gas station), "Community Bank and Trust Company," "Patrick M. Murray Family Practice" (doctor), "Ronald Manglaviti Family Dentistry," "Bob's Lakeside Bar and Grill," "East Bay Tavern," "The Computer Solution," "BT's Restaurant and Bar," "Lake Road Café and Sweet Shoppe," and "The Boat Docktor."

Also located within Lake Winola is the Pennsylvania Fish and Boat Commission's "Lake Winola Access," a public fishing and boating facility and "The Scranton Canoe Club," a private 18 hole golf course. Lake Winola also contains two public service organizations, "The Lake Winola Lion's Club" and "The Lake Winola Fire Co. #1 Ladies Auxiliary." Lake Winola is located 19.3 kilometers from downtown Scranton, Pennsylvania. Lake Winola, Pennsylvania is located 13.3 km from the Scranton City Line at its closest location. Based on all of this, Lake Winola is a community that is sufficiently independent of the Scranton urbanized area and justifies a first local service preference. Exhibit 1 is an allocations study showing that this proposed allotment is fully spaced under the Table of Distances in 47 CFR 73.207 with a site restriction of ✓ 12.4 kilometers West (allotment coordinates are N. Lat. 41-29-23, W. Long. 76-00-03). Exhibit 2 is a map showing that the entire Village of Lake Winola, Pennsylvania is well within the 70 dBu contour using the fully spaced allotment coordinates of N. Lat. 41-29-23, W. Long. 76-00-03 with a non-directional 6 kw ERP at 100 meters height above average terrain.

4. Station WBZR currently provides the Scranton, Pennsylvania, Urbanized area with 60 dBu of signal coverage at some points. WBZR currently covers less than one percent of the population of the Scranton Urbanized Area with 70 dBu contour service as defined by the U.S. Department of Commerce's Scranton Metropolitan Statistical Area, which includes the 2000 census population counts from all relevant Scranton MSA counties. Under the proposal contained herein, using the Post Hill East Site as the proposed new WBZR location, only approximately 12% of the population of the Scranton Urbanized area would receive 70 dBu service. Under the proposal contained

herein, the Scranton Urbanized Area's population that receives 70 dBu service from this facility would still be less than 50%. As such, Geos is not required to provide a Tuck showing.<sup>1</sup>

5. In a recent proceeding involving Giddings and Buda, Texas, two communities located in the Austin Urbanized Area the FCC reallocated station KROX, from Giddings to Buda. See FCC Report and Order RM-9468 MM Docket No.99-69 Giddings and Buda, Texas (14 FCC Red 3567 (1999)). Similar to the instant proposal, one community was left with one local service: Giddings is also served by station KANJ. The instant proposal contemplates Tunkhannock, Pennsylvania, continuing to receive local service from station WEMR a full-time AM station.

6. In the Giddings and Buda, Texas, proposal, Buda was shown to be deserving of its own allotment based on many community factors. The instant proposal to change WBZR's community of license from Tunkhannock to Lake Winola is further supported by the reallocation for Buda as follows: Lake Winola, Pennsylvania, is located 13.3 km from the Scranton city line; Buda, Texas, is located 10 km from the Austin city line. Lake Winola is smaller part of the year but is actually larger during the warmer months of the year as Buda had a 2000 Census population of 2,404 persons. Buda and Lake Winola each has its own local fire department and EMS organization. In addition,

<sup>1</sup> If a station requests to change its community of license to one that is outside an urbanized area but whose signal would place a city grade, 70 dBu signal, over 50% or more of an Urbanized Area, the proponent is required to provide the same showings as currently required for those parties seeking to move to a community within an Urbanized Area. See Headland, Alabama and Chattahoochee, Florida, 10 FCC Red. 10352 (1995). Because WBZR does not contemplate, under this scenario, placing a city grade signal over 50% or more of the Scranton Urbanized Area, this showing is not required. A partial Tuck showing has been included as part of this proposal anyway.

Buda and Lake Winola each has its own U.S. Post Office with its own U.S. Postal zip code. Lake Winola also has its own local telephone exchange. These factors show that Lake Winola, Pennsylvania, is an independent community, and just as deserving of its own local service as is Buda, Texas.

7. If station WBZR, Tunkhannock, Pennsylvania is reallocated to Lake Winola, Pennsylvania it would greatly improve the population coverage of WBZR. Currently, the population within WBZR's 60 dBu coverage area (using the figures from the currently granted Construction Permit, BPH-20040412AAI) is 109,306 persons (from the U.S Census 2000 figures). Moving to the Post Hill East Site would increase the population within the 60 dBu contour to 404,859 persons (U.S. census 2000), a gain in population of 295,553 persons, a 370% gain in population within the 60 dBu contour of WBZR. The gain within the 70 dBu contour would be 59,346 persons (from 19,071 to 78,417 persons) a 410% gain in population within the 70 dBu contour for WBZR. Included as Exhibit 3 is a coverage map showing the 60 dBu and 70 dBu coverage areas of the Post Hill East Site. A study was conducted to analyze the area that would lose 60 dBu service from WBZR, at no location within this loss area will a "white" or "grey" area be formed. Because of the 60 dBu service of the following stations that intersect WBZR's current 60 dBu contour (BPH-20040412AAI): WGGY, Scranton, PA; WPEL-FM, Montrose, PA; WKRZ, Freeland, PA; WMGS, Wilkes-Barre, PA; WKSB, Williamsport, PA; WHGL-FM, Canton, PA; WTTC-FM, Towanda, PA; and WCOZ, Laporte, PA and the 1 MV/m service of AM stations that intersect WBZR's current 60 dBu contour (BPH-20040412AAI): WARM, Scranton, PA; WEMR, Tunkhannock, PA; WATS, Sayre, PA and WEJL, Scranton, PA no area would receive

less than 4 stations and virtually all of the loss area would receive 5 or more broadcast facilities.

8. Geos Communications hereby requests the reallocation of Channel 299A from Tunkhannock, Pennsylvania to Lake Winola, Pennsylvania, as that community's first local service. Geos Communications also requests modification of the License for station WBZR, Tunkhannock, Pennsylvania to specify Lake Winola, Pennsylvania, as WBZR's community of license. Geos Communications, will file an appropriate construction permit or license application for Channel 299A at Lake Winola if the channel is allotted to Lake Winola and WBZR's license is modified as requested herein. This request is being filed pursuant to Section 1.420(i) of the Commission's Rules which permits the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.

### **CONCLUSION**

This proposal will serve the public interest by providing Lake Winola, Pennsylvania with its own first local service, that of Channel 299A with WBZR specified for operation at Lake Winola. Tunkhannock, Pennsylvania, which currently has two local services, would retain WEMR as a local service. In conclusion, Geos Communications requests this rulemaking proceeding to rearrange allotments in such a way as to provide improved service to the local communities involved, which will result in a greater benefit to the public.



Respectfully submitted,

A handwritten signature in black ink, appearing to read 'KM Fitzgerald', followed by an asterisk symbol.

Kevin M. Fitzgerald, General Partner  
Geos Communications  
P.O. Box 20155  
Scranton, PA 18502  
10/22/2004  
570-836-4200

Petition for Rulemaking  
Geos Communications  
Reallot Channel 299A  
To Lake Winola, Pennsylvania  
Table of Assignments  
WBZR, Tunkhannock, Pennsylvania

EXHIBIT 1

## Exhibit 1

Kevin Fitzgerald

Job: Lake Winola Allotment.fmj

Master Database: 2004\_Oct\_16.fmd

Lat: N41:29:23 Lon: W076:00:03 NAD-27

Channel: 299 Class: A

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved

Channels: Co-Channel, 1st Adj, 2nd Adj, 3rd Adj, IF

Range: 90 km

Comments: No Comments

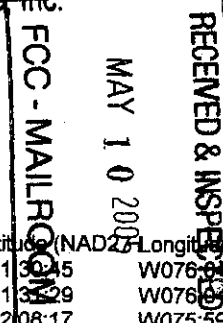
Description: WBZR, Lake Winola Allotment Spacing Study. Conforms to 73.207.

Page 1 of 1

Date: 10/20/2004 1:08:14 PM

rfInvestigator-FM Version 2.0.116

by rfSoftware, Inc.



Callsign	City	Stat	Channel	Class	Status	73.207 Min	73.207 Cle	ERP	HAAT	Adjacency	Distance	Bearing	Latitude	NAD-27	Longitude
WBZR	TUNKHANNOCH	PA	299	107.7 A	CP	115	-108.60	0.49	347	Co-Chan	6.40	293	N41:30:45		W076:00:03
WBZR	TUNKHANNOCH	PA	299	107.7 A	LIC	115	-108.01	0.23	354	Co-Chan	6.99	304	N41:30:45		W076:00:03
WBBI	ENDWELL	NY	298	107.5 A	LIC	72	0.00	1.10	166	1st Adj	72.00	000	N42:08:17		W075:59:24
WKRF	TOBYHANNA	PA	300	107.9 A	LIC	72	0.01	0.84	267	1st Adj	72.01	133	N41:02:37		W075:22:30
W297AL	TUNKHANNOCH	PA	297	107.3 DX	CP	0	9.57	0.00	0	2nd Adj	9.57	046	N41:32:59		W075:55:00
WBYN	BOYERTOWN	PA	298	107.5 B	APP	113	11.07	30.00	186	1st Adj	124.07	166	N40:24:15		W075:39:00
WBYN	BOYERTOWN	PA	298	107.5 B	LIC	113	11.07	30.00	186	1st Adj	124.07	166	N40:24:15		W075:39:00
WBYN	BOYERTOWN	PA	298	107.5 B	APP	113	11.07	30.00	186	1st Adj	124.07	166	N40:24:15		W075:39:00
WRVH	WILLIAMSPOR	PA	300	107.9 A	LIC	72	13.65	0.36	393	1st Adj	85.65	249	N41:12:39		W076:57:11
WGTY	GETTYSBURG	PA	299	107.7 B	LIC	178	20.32	16.00	259	Co-Chan	198.32	204	N39:51:23		W076:56:50
WBHT	MOUNTAIN TOP	PA	246	97.1 A	LIC	10	25.79	0.50	336	IF	35.79	162	N41:10:57		W075:52:11
NEW	PLYMOUTH	PA	297	107.3 L1	CP	0	26.63	0.00	169	2nd Adj	26.63	177	N41:15:01		W075:59:00
STAT:VACL	LIBERTY	PA	298	107.5 A	VAC	72	28.67	0.00	0	1st Adj	100.67	270	N41:29:28		W077:12:20
W297AR	WILKES-BARR	PA	297	107.3 DX	CP	0	28.99	0.09	0	2nd Adj	28.99	159	N41:14:44		W075:52:20
W297AF	SCRANTON	PA	297	107.3 DX	LIC	0	29.28	0.25	-70	2nd Adj	29.28	108	N41:24:34		W075:40:00
WGNA-F	ALBANY	NY	299	107.7 B	LIC	178	31.12	12.50	300	Co-Chan	209.12	052	N42:38:13		W075:59:50
NEW	DUSHORE	PA	297	107.3 DX	APP	0	33.59	0.19	0	2nd Adj	33.59	276	N41:31:25		W076:24:00
NEW	DUSHORE	PA	297	107.3 DX	APP	0	33.59	0.06	0	2nd Adj	33.59	276	N41:31:25		W076:24:00
NEW	DUSHORE	PA	297	107.3 DX	APP	0	33.59	0.06	0	2nd Adj	33.59	276	N41:31:25		W076:24:00
NEW	JONESTOWN	PA	245	96.9 DX	APP	0	46.08	0.00	0	IF	46.08	209	N41:07:35		W076:15:50
WLKK	WETHERSFIELD	NY	299	107.7 B	LIC	178	49.36	19.50	244	Co-Chan	227.36	304	N42:37:23		W078:17:11
WWHT	SYRACUSE	NY	300	107.9 B	LIC	113	50.10	50.00	152	1st Adj	163.10	357	N42:57:21		W076:06:30
WSNJ-FM	BRIDGETON	NJ	299	107.7 B	LIC	178	57.42	15.00	148	Co-Chan	235.42	163	N39:27:32		W075:12:11
NEW	HAZLETON	PA	297	107.3 DX	APP	0	57.93	0.02	0	2nd Adj	57.93	176	N40:58:09		W075:57:20
NEW	HAZLETON	PA	297	107.3 DX	APP	0	57.93	0.01	0	2nd Adj	57.93	176	N40:58:09		W075:57:20
NEW	HAZLETON	PA	297	107.3 DX	APP	0	57.93	0.01	0	2nd Adj	57.93	176	N40:58:09		W075:57:20
WWYY	BELVIDERE	NJ	296	107.1 A	LIC	31	61.64	1.20	219	3rd Adj	92.64	130	N40:56:53		W075:09:30
NEW	ENDWELL	NY	296	107.1 DX	APP	0	66.34	0.02	0	3rd Adj	66.34	358	N42:05:12		W076:01:20
NEW	ENDWELL	NY	296	107.1 DX	APP	0	66.34	0.02	0	3rd Adj	66.34	358	N42:05:12		W076:01:20
NEW	ENDWELL	NY	296	107.1 DX	APP	0	66.34	0.02	0	3rd Adj	66.34	358	N42:05:12		W076:01:20
WEGH	NORTHUMBER	PA	297	107.3 A	LIC	31	66.59	0.90	257	2nd Adj	97.59	217	N40:47:10		W076:41:20
W296BL	ATHENS	PA	296	107.1 DX	CP	0	69.48	0.25	0	3rd Adj	69.48	321	N41:58:35		W076:31:30
W299AF	CATAWISSA	PA	299	107.7 DX	LIC	0	70.71	0.00	280	Co-Chan	70.71	210	N40:56:22		W076:25:20
WREQ	RIDGEBURY	PA	245	96.9 A	LIC	10	71.32	3.60	131	IF	81.32	307	N41:55:43		W076:46:50
WLIH	WHITNEYVILLE	PA	296	107.1 A	LIC	31	73.86	3.30	91	3rd Adj	104.86	287	N41:46:13		W077:12:00
NEW	WAVERLY	NY	300	107.9 DX	APP	0	74.68	0.02	0	1st Adj	74.68	321	N42:00:52		W076:33:20
WBL	NEW YORK	NY	298	107.5 B	LIC	113	75.17	4.20	415	1st Adj	188.17	116	N40:44:54		W073:59:11
WQDD-LP	GIRARDVILLE	PA	300	107.9 L1	CP	0	80.64	0.00	-20	1st Adj	80.64	196	N40:47:25		W076:15:20
WQDD-LP	GIRARDVILLE	PA	300	107.9 L1	APP	0	80.83	0.00	-282	1st Adj	80.83	195	N40:47:09		W076:14:20
WQDD-LP	GIRARDVILLE	PA	300	107.9 L1	APP	0	80.83	0.00	140	1st Adj	80.83	195	N40:47:09		W076:14:20
STAT:VACL	LIVINGSTON M	NY	296	107.1 A	VAC	31	80.86	0.00	0	3rd Adj	111.86	063	N41:56:52		W074:48:11
W296AP	WILLIAMSPOR	PA	296	107.1 DX	LIC	0	85.58	0.00	327	3rd Adj	85.58	249	N41:13:04		W076:57:20
NEW	NEWBERRY	PA	246	97.1 DX	APP	0	88.53	0.25	0	IF	88.53	252	N41:14:27		W077:00:20

Petition for Rulemaking  
Geos Communications  
Reallot Channel 299A  
To Lake Winola, Pennsylvania  
Table of Assignments  
WBZR, Tunkhannock, Pennsylvania

EXHIBIT 2

## Exhibit 2

## Contour Analysis

Kevin Fitzgerald

Job: Lake Winola Allotment.fmj

Master Database: 2004\_Oct\_16.fmd

Lat: N41:31:05 Lon: W075:55:48 NAD-27

Scale: 1:250000

Channel: 299 Class: A

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved

Channels:

Range: 90 km, Clearance: -0.5km

Comments: No Comments

Description: WBZR, Lake Winola Reference Coordinates 70 dBu

rfInvestigator-FM Version 2.0.116

by rfSoftware, Inc.

Date: 10/20/2004 12:46:30 PM

Key:

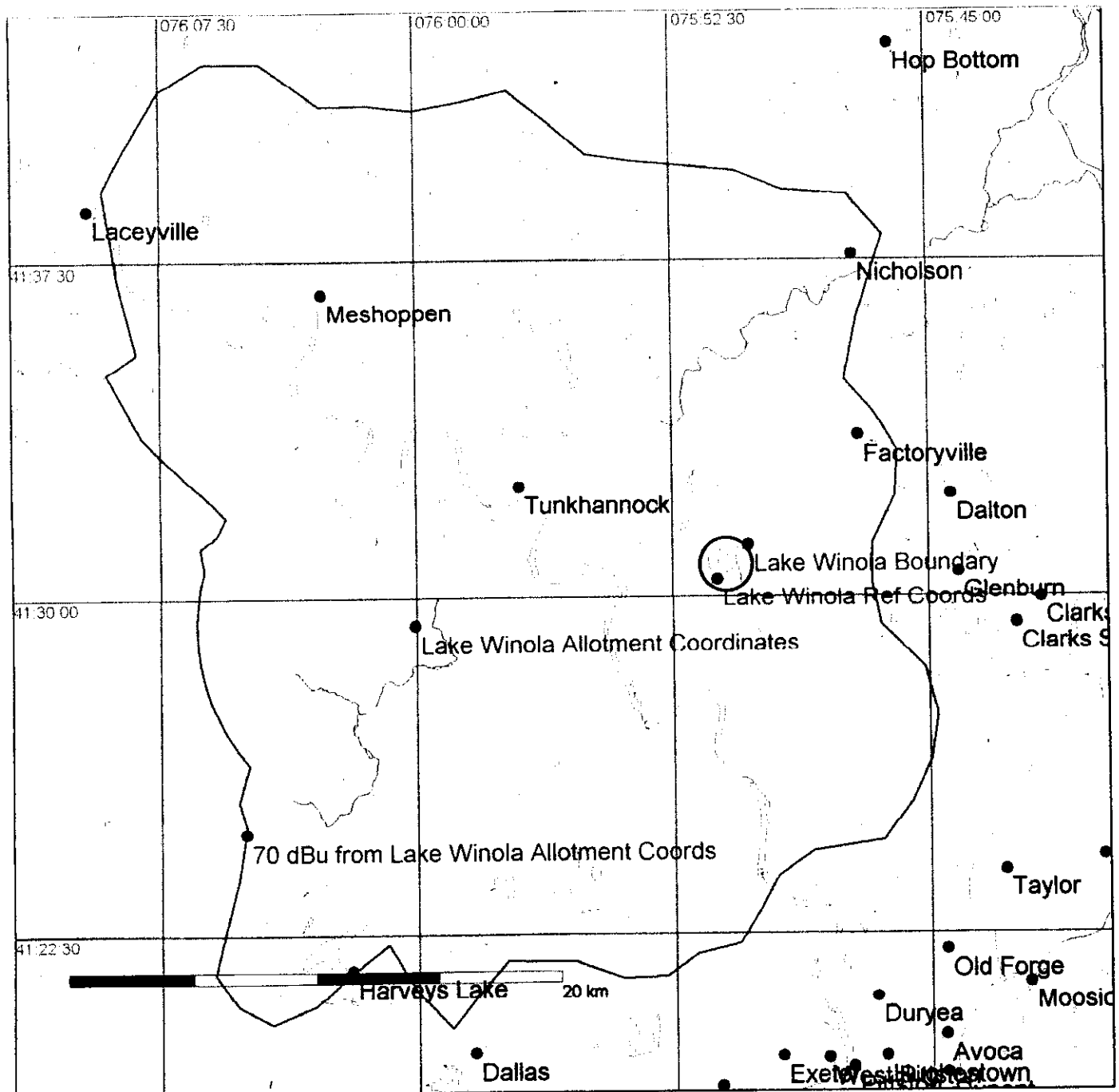
City Grade

Protected

Contour

1st Adj

2nd/3rd Adj



Petition for Rulemaking  
Geos Communications  
Reallot Channel 299A  
To Lake Winola, Pennsylvania  
Table of Assignments  
WBZR, Tunkhannock, Pennsylvania

EXHIBIT 3

# Exhibit 3

## Contour Analysis

Kevin Fitzgerald

Job: WBZR Post Hill East.fmj

Master Database: 2004\_Oct\_16.fmd

Lat: N41:29:42 Lon: W075:51:44 NAD-27

Scale: 1:500000

Channel: 299 Class: A

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved

Channels:

Range: 90 km, Clearance: -0.5km

Comments: No Comments

Description: WBZR, Lake Winola Post Hill East Site; 2.85 KW Non-DA at 485m AMSL, 58m AGL. Conforms to 73.207 except for WKRF, Tobyhanna, PA which conforms using contour protection via 73.215. 70 dBu pop is 78,417; 60 dBu pop is 404,859.

rfInvestigator-FM Version 2.0.116

by rfSoftware, Inc.

Date: 10/20/2004 12:58:16 PM

Key:

City Grade

Protected

1st Adj

2nd/3rd Adj

